



ARKANSAS JUDICIARY

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Rule 64. Addition And Withdrawal Of Counsel.

(a) When additional counsel is employed to represent any party in a case, said counsel shall immediately cause the clerk to enter his name as an attorney of record in the case and shall also immediately notify the court and opposing counsel that he has been employed in the case.

(b) A lawyer may not withdraw from any proceeding or from representation of any party to a proceeding without permission of the court in which the proceeding is pending. Permission to withdraw may be granted for good cause shown if counsel seeking permission presents a motion therefor to the court showing he (1) has taken reasonable steps to avoid foreseeable prejudice to the rights of his client, including giving due notice to his client, allowing time for employment of other counsel; (2) has delivered or stands ready to tender to the client all papers and property to which the client is entitled; and (3) has refunded any unearned fee or part of a fee paid in advance, or stands ready to tender such a refund upon being permitted to withdraw.

Reporter's Notes to Rule 64: - Prior to 1984, there was no Rule 64. The Rule was adopted in 1984 to state the procedural requirements for withdrawal of counsel which had been addressed in Rule 9 of the Uniform Rules for Circuit and Chancery Courts. The new Rule is based upon DR2-2110 of the Code of Professional Conduct [superseded].

Reporter's Notes, 1987 Amendment: - As adopted in 1984, Rule 64 dealt only with withdrawal of counsel, a topic also covered by Rule 9 of the Uniform Rules for Circuit and Chancery Court. The 1987 amendment addresses the employment of additional counsel, an issue heretofore covered by Rule 8 of the Uniform Rules. The amendment makes no change in existing law.

History Text:

History. Adopted July 9, 1984, effective September 1, 1984; amended July 6, 1987, effective September 21, 1987

Associated Court Rules:

Rules of Civil Procedure

Group Title:

VIII. Counsel; Provisional and Final Remedies; Suits in Forma Pauperis

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